HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.88 OF 2007

Between:

Lt. (Mrs) R.S.Rebacamma Ex MNS
. . .Appellant

AND

The District Collector,
Collectors Complex, Kurnool and others
. .
.Respondents

:: JUDGMENT ::

Counsel for the Appellant : Shri Sreenivasa Rao V

Counsel for the Respondent Nos.1 &4: Government Pleader for Assignment

Counsel for the Respondent Nos.3&5 : Shri A.Rajashekar Reddy
Assistant Solicitor General

1st February, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 31.07.2006 passed by the learned Single Judge whereby he rejected the appellant's prayer for issue of a mandamus to the respondents to assign her land measuring Ac.3-50 cents in Survey No.128/5B3 at Mamidalapadu Village, Kurnool District under Ex-servicemen quota.

It is borne out from the record that the appellant had earlier filed Writ Petition Nos.9729 and 21632 of 2004 for grant of similar relief. The first writ petition was allowed by this Court on 20.9.2004 and the respondents were directed to take appropriate action on the appellant's application for assignment of the land. It was also observed that the District Collector shall be free to consider the application of the writ petitioner (the appellant herein) for assignment of any land other than the land identified by her. Thereafter, the District Collector vide his order dated 26.10.2004 rejected the application of the appellant. She then filed Writ Petition No.21632 of 2004, which was disposed of with a direction for re-consideration of the her application for assignment of the land. After some time, the appellant filed contempt cases, being C.C.No. 75 of 2005 and C.C.No.434 of 2006, which were dismissed.

Having failed in her earlier attempts, the appellant filed Writ Petition No.11751 of 2006 for issue of a mandamus to the respondents to assign her land measuring Ac.3-50 cents in Survey No.128/5B3 at Mamidalapadu village. She claimed that being an Ex-service woman, she is entitled to assignment of land in the quota of Ex-servicemen.

In the counter affidavit filed by the District Collector, it was averred that the writ petitioner (the appellant herein) was assigned land admeasuring Ac. 2-50 cents in Survey No.603 of Gargeyapuram village. In view of this assertion, the proceedings of the third writ petition were adjourned by the learned Single Judge with an observation that the appellant should approach Mandal Revenue Officer, Kurnool for obtaining copy of the patta. The latter did not avail that opportunity and insisted that she should be assigned land measuring Ac.3-50 cents in Survey No. 128/5B3 classified as K.C. canal bund poramboke. The learned Single Judge dismissed the writ petition by observing that the direction given by the coordinate Benches in Writ Petition Nos.9729 and 21632 of 2004 did not command the respondents to assign the particular piece of land. The learned Single Judge further opined that the petitioner does not have any legal or vested right to be assigned the particular piece of land and the land forming part of Survey No.128/5B3 cannot be assigned because it is adjacent to National Highway No.7 and is required for public purpose.

We have heard the appellant, who has appeared in

person and carefully gone through the record. In our opinion, the order of the learned Single Judge does not suffer from any legal infirmity. The appellant has not produced any material before the Court to show that she is entitled to allotment of any particular piece of land as of right. Her claim is not based on any statutory provision or policy framed by the Government. Therefore, the Court cannot issue mandamus to the respondents to assign her land comprised in Survey No.128/5B3. It is pity that even though the appellant was assigned land measuring Ac.2.50 cents in Survey No.603 of Gargeyapuram Village and the authorities were prepared to issue patta in her favour, she stubbornly declined to avail the benefit of assignment.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the main appeal, W.A.M.P.No. 143 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 01.02.2007

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